Remarks

In the present response, four claims (1, 5, 6, and 8) are amended. Claims 1-21 are presented for examination.

Claim Rejections: 35 USC § 102(e)

Claims 1-21 are rejected under 35 USC § 102(e) as being anticipated by USPN 6,157,963 (Courtright). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Courtright neither teaches nor suggests each element in the claims, these claims are allowable over Courtright.

Claim 1

Claim 1 recites numerous limitations that are not taught or suggested in Courtright. By way of example, claim 1 recites assigning a priority to incoming transactions at a network storage device. The claim then recites "overriding said priority with a requested priority included in said incoming transaction." Nowhere does Courtright teach or even suggest overriding priorities with a requested priority included in an incoming transaction.

For at least these reasons, independent claim 1 and its dependent claims are allowable over Courtright.

Claim 5

Claim 5 recites numerous limitations that are not taught or suggested in Courtright. By way of example, claim 5 recites generating a usage policy at a server. The claim then recites "distributing said usage policy from said server across a network to said network storage devices." Courtright discloses that a processor prioritizes I/O requests in accordance with a predetermined prioritizing algorithm (see Courtright at 4: 55-56). Courtright, however, never discloses that the prioritizing algorithm is generated at a server and then distributed to network storage devices as recited in claim 5.

Anticipation under section 102 can be found only if a single reference shows exactly what is claimed (see *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985)).

For at least these reasons, independent claim 5 and its dependent claims are allowable over Courtright.

As another example, claim 5 recites "providing updates to said usage policy from said server to said network storage devices." Courtright is completely silent on providing updates.

For at least these reasons, independent claim 5 and its dependent claims are allowable over Courtright.

Claim 8

Claim 8 recites numerous limitations that are not taught or suggested in Courtright. By way of example, claim 8 recites program code for prioritizing incoming transactions relative to one another based on said usage policy. The claim then recites that the prioritizing in the usage policy "uses at least two conditions based on (1) user logon, (2) originating application, (3) user-requested priority, and (4) purpose for accessing the network storage device." By contrast, Courtright teaches priority based on a priority value assigned to a particular client (see 4: 59-67).

For at least these reasons, independent claim 8 and its dependent claims are allowable over Courtright.

Claim 13

Claim 13 recites numerous limitations that are not taught or suggested in Courtright. By way of example, claim 13 recites "program code for defining a usage policy for prioritizing said plurality of **incoming** and **outgoing transactions relative to one another**" (emphasis added). By contrast, Courtright teaches priority based on incoming I/O requests. Courtright never mentions how priority is determined for outgoing I/O requests.

For at least these reasons, independent claim 13 and its dependent claims are allowable over Courtright.

As another example, claim 13 recites prioritizing the incoming and outgoing transactions "relative to one another." Courtright never discloses a relationship for prioritizing both incoming and outgoing I/O requests "relative to one another."

For at least these reasons, independent claim 13 and its dependent claims are allowable over Courtright.

Claim 20

Claim 20 recites numerous limitations that are not taught or suggested in Courtright. By way of example, claim 20 recites "means for reading meta data from said number of **incoming and outgoing transactions** at said network storage device" (emphasis added). By contrast, Courtright teaches priority based on <u>incoming</u> I/O requests. Courtright never mentions how priority is determined for <u>outgoing</u> I/O requests.

For at least these reasons, independent claim 20 and its dependent claims are allowable over Courtright.

As another example, claim 20 recites "means for prioritizing said number of **incoming and outgoing transactions** based at least in part on said meta data" (emphasis added). By contrast, Courtright teaches priority based on <u>incoming</u> I/O requests. Courtright never mentions prioritizing <u>outgoing</u> I/O requests.

For at least these reasons, independent claim 20 and its dependent claims are allowable over Courtright.

CONCLUSION

In view of the above, Applicants believe that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

> **Hewlett-Packard Company**
> Intellectual Property Administration
> P.O. Box 272400
> Fort Collins, Colorado 80527-2400

Respectfully submitted,

/Philip S. Lyren #40,709/

Philip S. Lyren
Reg. No. 40,709
Ph: 832-236-5529